



United States Department of the Interior

0038
OFFICE OF SURFACE MINING
RECLAMATION AND ENFORCEMENT
SUITE 310
625 SILVER AVENUE, S.W.
ALBUQUERQUE, NEW MEXICO 87102



In Reply Refer To:

Antelope #5

June 11, 1990

CERTIFIED MAIL - RETURN RECEIPT REQUESTED
P 965 798 958

RECEIVED
JUN 13 1990

DIVISION OF
OIL GAS & MINING

Dr. Dianne R. Nielson, Director
Division of Oil, Gas and Mining
Department of Natural Resources
3 Triad Center, Suite 350
355 West North Temple
Salt Lake City, UT 84180-1203

Re: Skyline Mine TDN 90-02-107-5

Dear Dr. Nielson:

The following addresses the Division of Oil, Gas and Mining's (DOGM) response to the above-referenced Ten-Day Notice (TDN).

On March 8, 1990, the Albuquerque Field Office (AFO) conducted a random sample inspection of the Skyline Mine. The inspection resulted in the issuance of TDN 90-02-107-3(1-3). Part 3 of the TDN was issued for the operator's alleged failure to pass all surface drainage from the disturbed area through a sedimentation pond * * * before leaving the permit area. The TDN cited the outslope of the pad east of Special Exempt Area No. 6.

DOGM's March 28, 1990, response indicated that "* * * the area in question is not part of the MRP except the road berm within the permit boundary." The response further stated that the failure to pass is moot because the road drainage is directed to the pond and, consequently, part 3 of the TDN should be withdrawn.

AFO issued part 3 of the TDN on the basis of information provided by DOGM representatives. Had AFO been advised that the area in question was outside the permit boundary, a TDN for failure to pass disturbed area drainage through a sedimentation would not have been issued. On the basis of the information provided in DOGM's March 28, 1990, letter, AFO withdrew part 3 of TDN 90-02-107-3 and issued TDN 90-02-107-5. The TDN was issued for the operator's alleged failure to obtain a valid permit before engaging in or carrying out coal mining and reclamation operations.

Dr. Dianne R. Nielson

2

On May 14, 1990, AFO received DOGM's May 10, 1990, response to TDN 90-02-107-5. The response indicates the operator has a permit to carry out coal mining and reclamation operations in the area in question. The response references Map 4.4.2.1-A as depicting the area in question inside the permit boundary.

The permit boundary depicted on the map referenced above is the same as that depicted on Map 3.2.1-1. The copy of approved Map 3.2.1-1, available at the time of the inspection, indicated that the area in question was within the permit boundary. AFO withdrew TDN 90-02-107-3(3) based on information provided by DOGM indicating that the area is not inside the permit boundary. In response to TDN 90-02-107-5, DOGM indicates that the area is inside the permit boundary and, therefore, the TDN should be withdrawn.

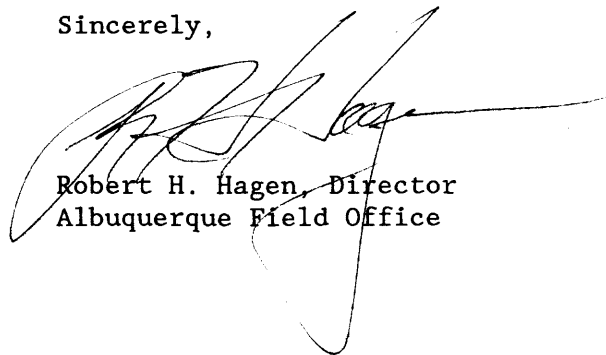
AFO requests that DOGM provide a copy of the currently approved Map 3.2.1-1. The copy of the map is needed to more fully evaluate DOGM's response to the TDN.

In addition, if DOGM approved the map depicting the area in question inside the permit boundary and the drainage from the disturbed area is not being treated by an alternate sediment control practice or addressed as a Small Area Exemption, the problem could be construed to be a permit defect. The situation could be appropriately addressed if DOGM requires the operator to submit a revision to the permit and the Division approves the revision. DOGM should specify the period of time in which the revision will be submitted and approved.

AFO requests that DOGM respond to the request for a copy of the map and the "permit defect" within 5 days of receipt of this letter.

If you wish to discuss the matter further, please contact John C. Kathmann or me at (505) 766-1486.

Sincerely,

A handwritten signature in black ink, appearing to read 'R. H. Hagen', is written over the typed name and title.

Robert H. Hagen, Director
Albuquerque Field Office